

2215004 (Migration) [2024] AATA 201 (1 February 2024)

DECISION RECORD

DIVISION: Migration & Refugee Division

REPRESENTATIVE: Mr Oumarou Kamara

CASE NUMBER: 2215004

MEMBER: Moira Brophy

DATE: 1 February 2024

PLACE OF DECISION: Sydney

DECISION: The Tribunal affirms the decisions not to grant the applicants Partner (Temporary) (Class UK) visas.

Statement made on 01 February 2024 at 11:31am

CATCHWORDS

MIGRATION – Partner (Temporary) (Class UK) visa – Subclass 820 (Partner) – genuine and continuing relationship – inconsistent evidence about marriage and relationship – sponsor employed interstate – money transfers – limited shared knowledge of financial affairs – limited social recognition of the relationship – decision under review affirmed

LEGISLATION

Migration Act 1958, ss 5, 65

Migration Regulations 1994, Schedule 2, cls 820.211, 820.221; r 1.15

CASES

He v MIBP [2017] FCAFC 206

Any references appearing in square brackets indicate that information has been omitted from this decision pursuant to section 378 of the Migration Act 1958 and replaced with generic information.

STATEMENT OF DECISION AND REASONS

1. ISSUE

2. The issue in the present case is whether the applicant, [named], and her sponsoring spouse, [named], were at the time of application in a genuine relationship and whether at the time of decision they continue to be in a genuine relationship.

APPLICATION FOR REVIEW

3. This is an application for review of a decision made by a delegate of the Minister for Home Affairs on 5 October 2022 to refuse to grant the applicants Partner (Temporary) (Class UK) visas under s 65 of the *Migration Act 1958* (Cth) (the Act).
4. The first named applicant (the applicant) applied for the visa on 24 September 2018 on the basis of her relationship with her sponsor. At that time, Class UK contained only one subclass: Subclass 820 (Partner). The criteria for the grant of this visa are set out in Part 820 of Schedule 2 to the *Migration Regulations 1994* (Cth) (the Regulations). The primary criteria must be satisfied by at least one applicant. Other members of the family unit, if any, who are applicants for the visa need satisfy only the secondary criteria.
5. The delegate refused to grant the visa on the basis that the applicant did not satisfy cl 820.211 because the delegate was not persuaded on the evidence that the applicant and her sponsor were in a genuine and continuing relationship.
6. The applicant, [named], and the second and third-named applicants, [Applicant 2] and [Applicant 3], appeared before the Tribunal on 14 August 2023 and on 20 September 2023 to give evidence and present arguments. The Tribunal also received oral evidence from the sponsor, [named]. The Tribunal hearing was conducted with the assistance of an interpreter in the Edo (Nigerian) and English languages.
7. The applicants were represented in relation to the review. The representative attended the Tribunal hearing.
8. For the following reasons, the Tribunal has concluded that the **decision under review should be affirmed**.

Background

9. The primary applicant, [named] was born on [date] in Nigeria. She was previously married to [Mr A] in the period from [June] 1999 to [August] 2018. There are two children of the marriage, a son born in [specified year] and a daughter born in [year]. The children are named as secondary applicants in this application. Her parents are deceased and she has one brother living in Australia.
10. The applicant came to Australia [in] March 2015 as a dependent on a Temporary Work (Skilled) (Class UC) (Subclass 457) visa granted to her former husband [Mr A]. That visa was valid to 12 December 2018. On 24 September 2018, the applicant lodged an application for a Partner (Temporary)(Class UK) (Subclass 820) visa and a Partner (Residence)(Class BS) (Subclass 801) visa on the grounds of being in a spousal relationship with an Australian citizen, [name] (the sponsor). A Bridging WA (subclass 010) visa was granted.
11. The applicant's sponsor, [named], was born on [date]. He came to Australia [in] January 2007 on a [permanent]. He became an Australian citizen [in] November 2011. He was

previously married to [Ms A] in the period from [February] 2009 to [October] 2014. [The sponsor] has [number] children, [gender and years of birth]. His parents, [and specified family members] reside in Australia.

12. At the time of application, the parties stated they met [in] September 2017 at an African party in [Suburb 1]. They committed to a shared life to the exclusion of all others [in] September 2018, being the date they were married. The parties applied for the visa on 24 September 2018.
13. On 5 October 2022, the delegate of the Department found the applicant did not meet the criteria for a Partner visa.
14. The applicant sought review of the delegate's decision at the Tribunal. A copy of the decision of the delegate was provided to the Tribunal.
15. On 7 October 2021, the Tribunal wrote to the applicant requesting further evidence of the relationship the applicant claimed to be in. The applicant provided documents to the Tribunal, a copy of the documents provided is attached to this decision.

16. Tribunal Proceedings

17. The issue in the present case is whether the applicant and the sponsor were in a genuine spousal relationship at the time of application and continue to be in a genuine spousal relationship at the time of this decision.
18. In making its findings, the Tribunal has considered documents contained in the Department and Tribunal files and oral evidence provided by the applicants and the sponsor at the hearings. A list of evidence provided is attached to this decision.
19. On 31 October 2023, the Tribunal wrote to the applicant inviting her to comment on or respond to certain information. The Tribunal was concerned there were inconsistencies in the parties' oral evidence given on 14 August 2023. The applicant was advised that if the Tribunal relies on this information in making its decision it may conclude that the evidence was not truthful and not accept that evidence. The Tribunal may also conclude that the parties were not at the time of application in a genuine and continuing spousal relationship and doubt that they had a mutual commitment to a shared life as husband and wife. This would be the reason, or a part of the reason, for affirming the decision that is under review because [the sponsor] would not meet the definition of 'spouse' in s 5F of the Act.
20. The particulars of the information the applicant was invited to comment on were:

At the hearing on 14 August 2023, the following evidence was given:

- The applicant told the Tribunal she and her husband lived at [Suburb 2]. She said the rent there was \$450 per week which her husband pays from the joint account.

This is relevant to the review because it was not consistent with the evidence the sponsor gave that the rent was \$400 per week.

- The applicant told the Tribunal she had commenced an intimate relationship with the sponsor one week after she met him in September 2017.

This is relevant because it was not consistent with the evidence given by the sponsor. The sponsor told the Tribunal he and the applicant commenced a physical relationship two or three months after they met and they decided to marry in August after the applicant finalised her divorce.

- The applicant told the Tribunal she was unsure as to how many people had attended her wedding. She said her friend [Friend A] and [Friend B] were the witnesses. She said the brother of the sponsor had attended the wedding.

This is relevant to the review because it is not consistent with the evidence given by the sponsor who gave evidence that his cousin was the only member of his family who had attended his wedding. His brother had not attended as he was overseas at the time.

- The applicant told the Tribunal she did not know how many brothers and sisters the sponsor had and that some live overseas. She said she had met the sponsor's parents after the wedding but she was unsure as to when that was.

This is relevant to the review because it is not consistent with the evidence given by the sponsor who said all his family live in Australia. His mother is in Adelaide and his father has recently returned to Africa. He has [specified family members], [some of whom] live in Sydney. The sponsor gave evidence that they know the applicant as they meet her at family gatherings and sometimes they come to their home.

21. The applicant was given time to respond to the concerns raised by the Tribunal.
22. A response was received on 2 November 2023 in the form of a statutory declaration from the applicant. The tribunal has taken that into account in its decision.

23. **Credibility**

24. When taking into account the inconsistencies referred to above and the totality of the evidence given over two hearings, the Tribunal considers the oral evidence given by the applicant and the sponsor to be confused, vague, conflicting, and unconvincing. The Tribunal was concerned the parties frequently sought to adjust answers and sought wherever possible to evade giving an answer especially when the questions pertained to their finances, families, development of their relationship and living arrangements. The Tribunal did not consider it plausible that the parties could fail to remember pertinent details about each other's family, how their relationship progressed and their living arrangements. The Tribunal was concerned the answers the parties gave were deliberately vague in an attempt to not disclose any information they considered may be prejudicial to the claim. The lack of knowledge and the frequent shifting of evidence displayed particularly by the applicant was not consistent with the relationship the parties claimed to have. Whilst it is appreciated Tribunal proceedings can be very difficult for parties and this stress can of itself lead to some inconsistencies in the evidence given, the Tribunal is not satisfied the explanations given are sufficient to overcome the cumulative effect of the inconsistencies. In making this assessment the Tribunal has taken into account the applicant's cancer diagnosis and the effects on memory she stated were the results of the ongoing treatment.

CONSIDERATION OF CLAIMS AND EVIDENCE

25. In making its findings, the Tribunal has considered the documents contained in the Department and Tribunal files, as well as the oral evidence provided at the two hearings by the applicants, the sponsor and their witness, as well as the submissions received.

Whether the parties are in a spouse or de facto relationship

26. Clauses 820.211(2)(a) and 820.221 require that at the time the visa application was made, and at the time of this decision, the applicant is the spouse or de facto partner of an Australian citizen or Australian permanent resident or an eligible New Zealand citizen. In the present case the applicant claims to be the spouse of the sponsor who is an Australian citizen.
27. 'Spouse' is defined in s 5F of the Act and provides that a person is the spouse of another where the two persons are in a married relationship. Persons in a married relationship must be married to each other under a marriage that is valid for the purposes of the Act, there must be a mutual commitment to a shared life as a married couple to the exclusion of all others, the relationship must be genuine and continuing, and the couple must live together, or not live separately and apart on a permanent basis: s 5F(2)(a)-(d). In forming an opinion about these matters, regard must be had to all of the circumstances of the relationship. This includes evidence of the financial and social aspects of the relationship, the nature of the parties' household and their commitment to each other as set out in reg 1.15A(3), which is extracted in the attachment to this decision. Each of the specific matters contained in reg 1.15A(3) are effectively questions which must be answered: *He v MIBP* [2017] FCAFC 206.

Are the parties validly married?

28. If the parties are validly married, they may meet the requirements of a spousal relationship, but not a de facto relationship. Prior to hearing, there was nothing in the information before the Tribunal to cast doubt on the validity of the parties' marriage [in] September 2018, and it was not disputed by the delegate. Consequently, in the absence of any evidence to the contrary, the Tribunal finds the parties are married to each other under a marriage that is valid for the purposes of the Act as required by s 5F(2)(a).

Are the other requirements for a spouse relationship met?

29. *Financial*
30. In considering the financial aspects of the relationship, the Tribunal considered whether there was evidence of any joint ownership of assets; joint liabilities; the extent of the pooling of financial resources; whether there were any legal obligations owed to the other party; or any sharing of day-to-day household expenses.
31. The applicant told the Tribunal she was living at [Suburb 2] with her two children. She had lived there since January 2023 in a four-bedroom townhouse and the rent was \$450 per week which the applicant said the sponsor pays from the joint account. While initially the evidence given by the applicant was that the sponsor lived with her and her children, it soon became clear from the sponsor's evidence the sponsor was employed in a full time capacity in Adelaide and he lived there with his mother. The evidence as to whether he paid rent to his mother was equivocal.
32. The applicant works as a [occupation 1]. She said after she had been diagnosed with breast cancer she and the sponsor had opened their own [occupation 1] business. The pay is

variable but she generally earns between \$1000 and \$1450 per week which is paid into the joint account. The sponsor is currently employed by [Employer 1] in Adelaide. He commenced that employment some four months prior to the hearing. Prior to that he was [an occupation 2] in Adelaide. While the evidence as to when he commenced that employment was equivocal, a perusal of the bank statements provided by the applicant was indicative of the sponsor being in Adelaide from April 2022. The statement from the period of 31 December 2021 to 30 June 2022 was addressed to the sponsor at an Adelaide address and deposits made were made in Adelaide. The applicant said the sponsor is paid around \$1500 per week which is paid into his personal account.

33. The parties have a joint account which they are both able to operate and they used that account to pay bills for their home such as the rent and utility costs. They both deposited into the joint account. The applicant said that their deposits were variable depending on their work. In assessing whether the sponsor contributed to the rent, the Tribunal was mindful from the statements provided that the applicant transferred monies (\$200) each week into the account of the sponsor and these funds were then transferred into the joint account.
34. When asked about other shared financial commitments, both parties told the Tribunal they did not have shared finances. They did not have any joint savings and they did not have any loans. The sponsor said he had superannuation and he has yet to nominate a beneficiary. He has not made a will.
35. While the parties do not have any shared savings, when asked at the time of the first hearing if they individually had savings, the applicant was equivocal in her evidence. She said she had an accident in 2020 and she had received compensation but she was not sure of the amount she received or the amount she had in savings. The sponsor said he had a mortgage savings account and he has \$30,000 in that account. He said the applicant had an account in which she had deposited monies she received from a compensation payout. He was not able to tell the Tribunal the amount of compensation she had received or the amount she had in savings. At the time of the second hearing the applicant told the Tribunal she had a savings account with \$202,000 in it which was in her name alone and the sponsor was not able to access that money. The sponsor gave evidence the applicant had \$102,000 in a savings account from monies she had received as compensation from an accident. Evidence provided after the hearing was corroborative of the applicant's evidence that she had \$200,000 in a term deposit in her name.
36. On the evidence given, the parties do not have any joint ownership of property, and they have no shared assets and no shared liabilities.
37. There was a paucity of evidence to make findings that either at the time of application or at the time of decision they pooled their financial resources or shared day-to-day household expenses. There was no evidence either party owed the other party any legal obligations.
38. Overall, there is little information regarding the financial aspects of the relationship that supports a finding that the parties are in a genuine relationship either at the time of application or at the time of decision. The parties have only limited knowledge of each other's financial affairs and there was very limited evidence of any intermingling. While there was clearly a cooperative relationship where the sponsor undertook to assist the applicant with her [occupation 1] business, the Tribunal was not persuaded this was anything other than an arrangement reached by the parties for their own purposes. This does not support a finding that the financial aspects of the relationship are consistent with the parties being in a genuine and continuing relationship.

39. *Nature of the household*

40. In assessing the nature of the household, the Tribunal has considered whether the parties have any joint responsibility for care and support of children; what their living arrangements are; and if there is any sharing of housework.
41. In assessing the nature of the household, the Tribunal considered the evidence, both oral and documentary, given by the parties. The sponsor initially said he was living at [Suburb 2] and had been there since the beginning of the year. When asked about his employment he told the Tribunal that he had moved to Adelaide and was living with his parents. His evidence as to when he had moved was unclear. When asked about his employment he said that he was working for [Employer 1] in Adelaide and had been there for around three months. The son of the applicant told the Tribunal that the sponsor had been living in Adelaide for the past 18 months. When this inconsistency was raised with the parties at the time of the second hearing, the applicant said the sponsor had moved to Adelaide the previous year but she was unsure as to when. When asked to be more specific, she had then said he had moved to Adelaide some two months after he returned from overseas and she had then said that he had commenced work with [Employer 1] in Adelaide in June 2023 but that he had been living in Adelaide prior to that.
42. From bank statements provided by the parties, the Tribunal considered the more reliable evidence to be that the sponsor had moved to Adelaide from the time he returned from overseas in early 2022 and the parties have not shared a household on an ongoing basis since that time. The Tribunal was mindful that the sponsor had been offshore in the period from [December] 2019 to [February] 2020, then he had been offshore for a period of 13 months in the period from [December] 2020 to [January] 2022. At the time of hearing the sponsor said he had gone overseas when his grandmother had passed away and he had been stranded there. Given international travel restrictions had been in place since March 2020 the Tribunal considered the fact he would not be able to re-enter Australia was foreseeable at the time he chose to depart. The Tribunal discussed these issues with the parties at the time of hearing.
43. At the time of hearing, the parties gave consistent evidence that the division of household chores was along cultural lines. The women, being the applicant and her daughter did the work inside the home and the males, being the sponsor and the son of the applicant did the outside chores. The applicant said the washing was done by whoever was available. The applicant does the cooking and the grocery shopping, assisted by the sponsor if he is there.
44. The parties do not have shared responsibility for any children. While the son and daughter of the applicant live with her and are primarily her responsibility, the evidence was that the sponsor has a positive relationship with the children. The sponsor also has young children but there was no evidence of his responsibilities to those children being a shared responsibility. The applicant was aware the sponsor paid child support but was unsure as to how much he paid.
45. The Tribunal accepts on the evidence that there is a cooperative relationship between the parties, and that the sponsor occasionally stays at the home of the applicant. The Tribunal was not persuaded the conduct of the parties in not living together on a full-time basis, given their evidence that they were living together less than 30% of the time, is conduct consistent with the relationship the parties claim to be in.
46. Based on the totality of the evidence, the Tribunal was not able to distinguish between a situation where the applicant and sponsor are living on an occasional basis as a couple, or alternatively one where the applicant and the sponsor were in a cooperative relationship to assist the applicant to obtain a visa.

Social aspects of the relationship

47. The Tribunal considered the social aspects of the relationship including whether the parties represent themselves to other people as being married to each other; the opinion of friends and acquaintances about the nature of the relationship; and any basis on which the parties plan and undertake joint social activities.
48. The applicant provided to the Department Form 888 statements from the following, who attested to the genuine nature of the relationship between the applicant and the sponsor:
 - [Mr B], dated 3 March 2021;
 - [Friend A], dated 20 September 2018;
 - [Mr B], dated 1 October 2022; and
 - [Mr D], dated 19 September 2018.
49. The son and daughter of the applicant provided oral testimony that they considered their mother and the sponsor to be in a genuine and continuing relationship, they were fully supportive of the relationship, and regarded the sponsor as an important member of their family. His attendance at family celebrations was corroborated by photographs provided. Given the son and daughter of the applicant were also applicants, the Tribunal considered their supportive evidence to be less persuasive because of their self interest.
50. The Tribunal accepts, based on the photographic evidence, the statements provided and the oral testimony, that the parties have socialised together with members of the sponsor's [national] community and some mutual friends.
51. The Tribunal further accepts that the parties represent themselves to other people within that community as being in a relationship.
52. After considering all the information regarding the social aspects of the parties' relationship, the Tribunal is satisfied their relationship is supported by some members of the sponsor's community and some friends but there is no evidence they present to the wider community as a couple in a genuine and continuing relationship.

Nature of the commitment

53. In considering the nature of the parties' commitment to each other, the Tribunal considered the evidence as to the duration of the relationship; the length of time they have lived together; the degree of companionship and emotional support they draw from each other; and whether they see the relationship as long-term. In considering the evidence as to the nature of the commitment the parties have to each other, the Tribunal was mindful that the evidence as to the length of any relationship between the applicant and the sponsor was equivocal, as was the evidence as to how long they lived together.
54. Taking into account the evidence given at hearing, the Tribunal is not persuaded that the parties have resided together on a continuing basis since their marriage. On the evidence they gave at hearing, they have spent less than 30% of the time since they married as part of one household and that time is unlikely to increase in the short term given the sponsor's employment in Adelaide and the applicant's attempts to create more employment opportunities for her business in Sydney. While the Tribunal accepts that parties in a relationship may live apart for periods and remain in a genuine and continuing relationship

because of their commitment to that relationship, the Tribunal is concerned that the conduct of the parties in this matter is not consistent with an ongoing commitment to the relationship.

55. The Tribunal accepts the parties have known each other since 2017 and have been married since September 2018.
56. In assessing the commitment of the applicant to the relationship, the Tribunal has placed weight on the conduct of the parties in spending most of their time living separately and the fact they had very limited knowledge as to each other's daily routines and finances. The Tribunal holds concerns that the lack of the sponsor's knowledge of the applicant's cancer treatment regime is in fact an indicator of his lack of commitment to the relationship. At the time of hearing the applicant gave evidence of having received treatment the day prior to hearing. Understandably she found the treatment stressful and gave evidence of her daughter accompanying her to treatment. When asked about her treatment the sponsor was evasive and thought her last treatment had been the previous month.
57. The evidence as to the parties' commitment to each other is, when considered in its totality, confused and unconvincing. The Tribunal considered the oral evidence given by the parties at the time of hearing to be indicative of parties endeavoring to present their evidence in a manner designed to obtain a preferred migration outcome. The Tribunal was concerned there was a lack of candour in the giving of the evidence by both parties in order to present their relationship as being a genuine and continuing relationship.
58. The applicant spoke of her fear if the visa was not granted and the ramifications of that decision on her ongoing treatment regime. While the Tribunal was understanding of those fears in what has clearly been a difficult time for the applicant in terms of her health, in the Tribunal's view, the Act and Regulations provide clear guidance as to the matters that decision-makers are to consider in assessing relationships for the purposes of a Partner visa, and it is to these matters that regard must be had.
59. After considering the evidence before it, the Tribunal has concluded that the nature of the commitment that the applicant showed at the time of application and at the time of decision was not indicative of a genuine and continuing spousal relationship.
60. For the reasons above, the applicant does not satisfy the criteria for the grant of the visa.

DECISION

61. The Tribunal affirms the decisions not to grant the applicants Partner (Temporary) (Class UK) visas.

Moir Brophy
Member

ATTACHMENT - Extract from Migration Regulations 1994

1.15A Spouse

- (1) For subsection 5F (3) of the Act, this regulation sets out arrangements for the purpose of determining whether 1 or more of the conditions in paragraphs 5F (2) (a), (b), (c) and (d) of the Act exist.
- (2) If the Minister is considering an application for:
 - (a) a Partner (Migrant) (Class BC) visa; or
 - (b) a Partner (Provisional) (Class UF) visa; or
 - (c) a Partner (Residence) (Class BS) visa; or
 - (d) a Partner (Temporary) (Class UK) visa;

the Minister must consider all of the circumstances of the relationship, including the matters set out in subregulation (3).

- (3) The matters for subregulation (2) are:
 - (a) the financial aspects of the relationship, including:
 - (i) any joint ownership of real estate or other major assets; and
 - (ii) any joint liabilities; and
 - (iii) the extent of any pooling of financial resources, especially in relation to major financial commitments; and
 - (iv) whether one person in the relationship owes any legal obligation in respect of the other; and
 - (v) the basis of any sharing of day to day household expenses; and
 - (b) the nature of the household, including:
 - (i) any joint responsibility for the care and support of children; and
 - (ii) the living arrangements of the persons; and
 - (iii) any sharing of the responsibility for housework; and
 - (c) the social aspects of the relationship, including:
 - (i) whether the persons represent themselves to other people as being married to each other; and
 - (ii) the opinion of the persons' friends and acquaintances about the nature of the relationship; and
 - (iii) any basis on which the persons plan and undertake joint social activities; and
 - (d) the nature of the persons' commitment to each other, including:
 - (i) the duration of the relationship; and
 - (ii) the length of time during which the persons have lived together; and
 - (iii) the degree of companionship and emotional support that the persons draw from each other; and
 - (iv) whether the persons see the relationship as a long term one.
- (4) If the Minister is considering an application for a visa of a class other than a class mentioned in subregulation (2), the Minister may consider any of the circumstances mentioned in subregulation (3).

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List of Evidence

- Copy of the delegate's decision record dated 5 October 2022;
- Copy of the biodata page of [Applicant 2's] [Country 1] passport;
- Copy of the biodata page of [Applicant 3's] [Country 1] passport;
- Email correspondence from the representative dated 8 May 2023 seeking priority processing;
- Written submission made by the representative dated 8 May 2023;
- English translation of [Applicant 3's] [Country 1] birth certificate;
- Original copy of [Applicant 3's] [Country 1] birth certificate in [Language 1];
- English translation of [Applicant 2's] [Country 1] birth certificate;
- Original copy of [Applicant 2's] [Country 1] birth certificate in [Language 1];
- Tax Invoice from [Business 1] addressed to the review applicant and the sponsor at [Address 1] and dated 17 October 2022;
- Copy of [Applicant 3's] NSW Provisional Driver's Licence;
- Copy of [Applicant 2's] NSW Learner Driver's Licence;
- Year 12 Graduation certificate for [Applicant 3];
- Statement made by [Applicant 3], undated;
- Photos of the review applicant, the secondary applicants and the sponsor in various social settings including the parties' wedding;
- The sponsor's Australian Federal Police National Police Certificate dated [in] March 2021;
- Letter of support for the review applicant and sponsor made by [Mr E], President of [Community Group 1] and dated 7 September 2022;
- Form 888 statutory declaration made by [Mr B] and dated 3 March 2021;
- Certificate of Car Insurance in the sponsor's name for the period of [February] 2022 to [February] 2023;
- Health examination results for the review applicant, dated 18 December 2020;
- Form 47A – Details of child or other dependent family member aged 18 years or over for [Applicant 3], dated 23 February 2021;
- Form 47A – Details of child or other dependent family member aged 18 years or over for [Applicant 2], undated;
- Form 888 statutory declaration made by [Friend A] and dated 20 September 2018;
- The review applicant's Australian Federal Police National Police Certificate, dated [in] December 2020;
- Declaration of Age made by [Mr F], dated 26 January 2012;
- Document in [Language 1] dated 24 February 2021;
- Divorce Order made in the Federal Circuit Court of Australia between the review applicant and [Mr A], dated [in] August 2018;
- Banking transaction listings for a joint account in the review applicant and sponsor's names for the periods of:
 - August 2018 to September 2018; and
 - September 2020 to December 2020;
- Joint bank statements in the review applicant and sponsor's names for the periods of:
 - February 2019 to July 2019; and
 - August 2020 to January 2023;
- Review applicant's bank statements for the periods of:

- January 2021 to June 2023
- Review Applicant's Term Deposit account confirmation with a start date of 29 June 2023;
- Sponsor's bank statements for the periods of:
 - December 2020 to June 2021; and
 - December 2021 to June 2023;
- [Applicant 2's] bank statements for the periods of:
 - January 2021 to June 2023;
- Residential Tenancy Agreement for [Address 1] [in Suburb 2], to commence on 24 August 2018 and listing the review applicant and sponsor as tenants;
- Correspondence from [Business 2] signed by the review applicant and sponsor and dated 16 August 2018;
- NSW Registry of Births Deaths and Marriages Marriage Certificate for the review applicant and sponsor and dated [in] September 2018;
- English translation of a letter from [Doctor A] and dated 30 July 2021;
- Screenshots of bank transfers made on the following dates:
 - 8 January 2021; and
 - 4 March 2021;
- Copy of the biodata page of the review applicant's [Country 1] passport;
- Certificate from [Agency 1], Nigeria awarded to the review applicant and dated 25 October 1993;
- Copy of the review applicant's NSW Driver's Licence;
- Receipts for payments of university fees made by the review applicant and dated:
 - 23 August 2019;
 - 26 August 2019 ;
 - 12 February 2019;
 - 13 March 2019;
 - 30 March 2019;
 - 12 March 2020;
 - 13 March 2020;
- Form 888 statutory declaration made by [Mr B] and dated 1 October 2022;
- NSW Education Standards Authority Higher School Certificate awarded to [Applicant 2];
- Written statement made by [Applicant 2], undated;
- Residential Tenancy Agreement for [Address 2][in Suburb 2] made on 9 January 2023 and listing the review applicant and sponsor as tenants;
- Tenancy Application for [Address 2 in] [Suburb 2] signed by the sponsor and dated 23 December 2022;
- Letter from [two doctors] of [Hospital 1] regarding the review applicant's admission to [Hospital 1] [in] November 2020 and discharge [later in] November 2020;
- Written statement made by the sponsor, undated;
- Form 888 statutory declaration made by [Mr D] and dated 19 September 2018;
- Trust Account Receipt for [Address 2] on behalf of the review applicant and the sponsor and dated 10 February 2023;
- Roadside Assistance Membership Certificate in the sponsor's name for a policy commencing on [in] February 2022;
- Invoice from [Hospital 2] addressed to [Mr A] and dated 21 January 2019;
- Electricity bill addressed the review applicant and sponsor at [Address 2] and dated 12 March 2023;

- Written submission made by the representative and dated 8 May 2023;
- Written statement made by the review applicant, undated;
- Tenancy Ledger for [Address 1] [Suburb 2] listing the review applicant and sponsor as tenants and for the period of April 2020 to December 2020;
- English translation of the review applicant's [Country 1] Outstanding Matters Certificate, dated [in] February 2021;
- Written statement made by the sponsor, undated;
- Email correspondence from Rental Bonds Online addressed to the review applicant in relation to the rental bond payment for [Address 2] and dated 11 January 2023;
- Email correspondence from Rental Bonds Online addressed to the sponsor in relation to the rental bond payment for [Address 2] and dated 11 January 2023;
- Representative's response to the Tribunal's invitation to comment or respond to information and dated 2 November 2023; and
- Statutory declaration made by the review applicant dated 2 November 2023.

68.